



# **Using the Justice Court Evaluation Tool**

**April 2002**

## Table of Contents

1.	Separation of Duties .....	1
1A.	Generally Accepted Accounting Principles, Law, and Rules .....	1
A.	Monthly Reports .....	1
B.	Fees/Costs Imposed .....	1
C.	Court Hours .....	2
D.	Court Postings .....	2
E.	Part-time Duties Performed by Court Clerk.....	2
F.	Authority of Court Clerks .....	2
G.	Criminal Record Reporting .....	2
H.	Exhibits .....	3
I.	Docket Accuracy and Completeness.....	3
J.	Nepotism .....	3
K.	Record Retention .....	3
2.	Safeguarding of Assets .....	3
2A.	Case Initiation and Flow of Funds .....	4
3.	One-Time Reconciliation of Receipts and Cash Change Fund.....	5
4.	Daily Close-out Procedures .....	5
5.	Accounts Receivable Creation and Adjustments .....	6
6.	Credit/Suspension of Fines and Surcharges .....	7
6A.	Dismissed Citations .....	7
7.	Payment Process.....	7
A.	In-Person and Mail Payment Procedures.....	8
B.	Mail Payments .....	8
C.	Payments Received Before Citation is Filed .....	9
D.	Payments Made at the Port-of-Entry (if applicable).....	10
8.	Void Receipts & Returned Checks (NSF) .....	10
9.	Overages and Shortages .....	11
10.	Petty Cash/Change Fund.....	11
11.	Control Over Hand Receipts .....	12
12.	Hand Receipts Issued .....	13

13.	Deposit Composition .....	13
14.	Timely Deposits .....	14
15.	Trust Account Disbursements .....	14
16.	Trust Account Reconciliation .....	15
	A. Trust Funds Deposited/Disbursed by Local Government.....	15
	B. Trust Funds Deposited/Disbursed From Court Trust Account .....	16
16A.	Trust Account Procedures .....	16
	A. Trust Account Records .....	17
	B. Cash Bail Procedures.....	18
	C. Finders Checks Procedures .....	18
	D. Restitution Procedures .....	18
17.	Trust Account: Management of Trust Account Funds .....	19
18.	Juror/Witness/Interpreter Payments .....	19
19.	Revenue Distribution and Reporting .....	20
20.	Accounts Receivable: Accurate Accounts Receivable Balances and Monitoring/Collection Efforts.....	20
	A. Monitoring Non-adjudicated Cases .....	21
	B. Adjudicated Cases .....	21
21.	Case Management/Accounting System Review .....	22
	A. Review of the Court's Accounting System Process .....	22
	B. Evaluation of the Court's Practice of Purging Case Dockets .....	22

## Justice Court Evaluation Tool

### Points of Focus

### Description/Comments

#### **SECTION 1 - SEPARATION OF DUTIES**

Duties are divided, or separated, among different employees to reduce the risk of error or inappropriate actions (fraud). For example, responsibilities for authorizing transactions, recording them, and handling the related assets should be separated.

Consider whether:

- The assignment of fiscal duties is divided among employees to clearly establish accountability and to reduce opportunities for misuse of public funds.
- Compensating review procedures are performed and documented to detect errors or irregularities, when duties can not be separated due to limited staff.

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#### **Conclusions/Actions Needed**

#### **SECTION 1A – GENERALLY ACCEPTED ACCOUNTING PRINCIPLES, LAW, AND RULES**

##### **A. Monthly Reports**

*Consider whether:*

The court files monthly reports with the state court administrator in accordance with UCA § 78-5-130. Reports are submitted to the AOC by the 20<sup>th</sup> day of the month following the report period, per CJA Rule 9-102 (effective April 2002).

##### **B. Fees/Costs Imposed**

Court costs/fees assessed and collected by the court are allowed by law.

*Consider whether:*

- **UCA § 7-15-1.** Dishonored Instruments - Collections Costs.
- **UCA § 62A-8-302.** Penalty for DUI conviction - Amounts.
- **UCA § 77-2A-3.** Manner of entry of plea - Powers of court.
- **UCA § 77-18-7.** Costs imposed on defendant – Restrictions.
- **UCA § 77-18-10.** Petition - Expungement of records of arrest, investigation, and detention - Eligibility conditions - No filing fee.
- **UCA § 77-18-11.** Petition - Expungement of conviction - Certificate of eligibility - Fee - Notice - Written evaluation -

## Justice Court Evaluation Tool

<u>Points of Focus</u>	<u>Description/Comments</u>
<p>Objections - Hearing.</p> <ul style="list-style-type: none"><li>• <b>UCA § 78-6-14.</b> Civil filing fees.</li><li>• <b>UCA § 78-7-35.</b> Civil fees of the courts of record - Courts complex design.</li><li>• <b>Code of Judicial Administration (CJA) Rule 4-207.</b> Expungement and sealing of records.</li><li>• Prior to assessing allowable court costs for failure to comply with a court order, the court holds a hearing per UCA § 78-32-10. As to diversion agreements, costs are not provided for by statute. Thus, costs are not allowed. See UCA § 77-2-5 and 77-18-7.</li></ul>	
<p><b>C. Court Hours</b></p> <p><i>Consider whether:</i></p> <p>The court is open for the required number of hours per week per CJA Rule 9-105 and certification standards. Court management has worked with local government so the court can remain open when employee(s) attend training and take vacation or sick leave.</p>	
<p><b>D. Court Postings</b></p> <p><i>Consider whether:</i></p> <ul style="list-style-type: none"><li>• The court posts financial policies at a conspicuous location in the court office including:<ul style="list-style-type: none"><li>▪ Methods of payment accepted;</li><li>▪ Request your receipt for payment if not automatically provided;</li><li>▪ Non-sufficient funds check policy and charges;</li><li>▪ Make checks payable to: "Justice Court" not the judge; etc.</li></ul></li></ul>	
<p><b>E. Part-time Duties Performed by Court Clerk</b></p> <p><i>Consider whether:</i></p> <p>A clerk, serving the court in a part-time capacity, performs other duties as a government employee that presents a conflict of interest or promotes an appearance of impropriety regarding court responsibilities (CJA Rule 3 303(3)). Work with local government officials to eliminate the conflicting duties.</p>	
<p><b>F. Authority of Court Clerks</b></p> <p><i>Consider whether:</i></p> <p>Clerk(s) comply with CJA Rule 4-704 and refer mandatory appearance cases to judge per UCA § 77-7-21.</p>	
<p><b>G. Criminal Record Reporting</b></p> <p><i>Consider whether:</i></p> <ul style="list-style-type: none"><li>• The court forwards reportable violations to DLD per UCA § 41-6-173, UCA § 53-3-104, and UCA § 53-3-218.</li><li>• The court forwards reportable violations to BCI per UCA</li></ul>	

## Justice Court Evaluation Tool

### Points of Focus

### Description/Comments

§ 53-10-202, UCA § 53-10-208, and CJA Rule 9-301.

Take into account reporting issues and delays identified in Justice Court Information Technology Study.

#### **H. Exhibits**

*Consider whether:*

Procedures for the receipt, maintenance, and release of exhibits comply with CJA Rule 4-206.

#### **I. Docket Accuracy and Completeness**

*Consider whether:*

The docket is maintained in accordance with UCA § 78-5-121. Specifically, is the judgment of the court (disposition), including costs, entered accurately. Are all payments entered in the docket? When a fine is ordered in lump sum, is the surcharge accurate? Is the audit trail preserved in the docket for all transactions? Are cases involving domestic violence so designated per UCA § 77-36-2.7(1)(3)?

#### **J. Nepotism**

*Consider whether:*

Employees are related. Determine if the court is in compliance with UCA § 52-3-1, e.g., based on the size of town and surrounding area, public officers may not supervise immediate relatives.

#### **K. Record Retention**

*Consider whether:*

Records are retained pursuant to CJA Appendix F. Utah State Courts Record Retention Schedule. See the Summary of Records Retention Schedule for Justice Courts by Record Type Chart for details at a glance.

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### **Conclusions/Actions Needed**

<b>SECTION 2 - SAFEGUARDING OF ASSETS</b>
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Court management should develop written policies and procedures for securing assets handled by court employees. The policies and procedures need to pertain to safeguarding all accounting records, receipts, checks, and monies received by the court.

## Justice Court Evaluation Tool

### Points of Focus

### Description/Comments

*Consider whether:*

- The number of employees with access to cash receipts is limited.
- The court has physical restrictions between cash receipts and the public.
- Cash receipts are stored in a secure place from the moment received until deposited.
- Each employee responsible for receiving cash receipts has their own locking container to store the payments until turned in for deposit.
- Duplicate keys to locking devices are stored in a dual control Key Box.
- The court has a fireproof safe to store money overnight. If a cash count is not performed before storing the total cash receipts for deposit, each employee should place their locked device containing their cash receipts in the safe.
- Access to blank checks and credit card invoices is restricted.
- Each employee controls access to their computer logon and password to prevent use by others.

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### **Conclusions/Actions Needed**

### **SECTION 2A – CASE INITIATION AND FLOW OF FUNDS**

*Consider whether:*

- The court monitors the completeness and accuracy of charges entered in the docket to ensure violation bail amounts entered in the case docket when the case is filed agree to UFBS and/or local ordinances per CJA 4302, UCA § 63-63a-1, UCA § 63-63a-2, UCA § 78-5-116, UCA § 10-3-703, and UCA § 17-53-208.
- An employee compares the updated annual UFBS to the computer violation code detail for accuracy and completeness.
- An employee compares the violation bail amounts for local ordinances to the computer violation code detail for accuracy and completeness.
- An employee reviews the fine amounts, including surcharge, entered to ensure compliance with UCA § 63-63a - 1, 2, and UCA § 78-5-116 upon adjudication.
- An employee reviews the surcharge amounts, if applicable,

## Justice Court Evaluation Tool

### Points of Focus

### Description/Comments

to ensure they are calculated correctly for both full and partial payments.

#### **Conclusions/Actions Needed**

#### ***SECTION 3 - ONE-TIME RECONCILIATION OF RECEIPTS AND CASH CHANGE FUND***

Management periodically performs unannounced counts of each employee's cash receipts and change fund (if applicable) in the cashier's presence to consider whether:

- A receipt has been issued for every payment in the cash drawer regardless of the amount.
- All Cash Change Funds, if applicable, are safeguarded properly and are maintained intact (the total amount assigned to the court should be reconciled daily when deposits are made).
- Checks are restrictively endorsed upon receipt.
- The cash and check composition in the employees drawer agrees to the cash and check composition on the Payment Register/Cashier Totals Report.
- There is any evidence of a personal loan (I.O.U.) which should be against policy. UCA § 76-8-402.
- Personal checks have been cashed (against policy) that are unrelated to cash payments receipted.

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#### **Conclusions/Actions Needed**

#### ***SECTION 4 - DAILY CLOSE-OUT PROCEDURES***

Daily close-out procedures assign individual accountability for custody of the funds receipted, transferred, and deposited.



## Justice Court Evaluation Tool

### Points of Focus

### Description/Comments

*Consider whether:*

- Each employee who has receipted payments (cashier) is required to complete a Cash Count form documenting the cash, checks, money orders, etc. received.
- A second employee verifies the accuracy of each completed Cash Count form in the cashier's presence by re-counting the cash, checks, and money orders and comparing the amounts counted to the amounts written on the form.
- The daily Cash Count forms are signed by both the cashier and verifier. After the verification count, the employee verifying each cashier takes possession of the cash receipts and prepares the deposit.
- The original Cash Count form is forwarded to the reconciler.
- An employee, independent of deposit preparation, reconciles the amounts per the Cash Count forms to the Payment Register/Cashier Totals Report and the validated remittance/deposit slip records.

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### **Conclusions/Actions Needed**

#### **SECTION 5 - ACCOUNTS RECEIVABLE CREATION AND ADJUSTMENTS**

If employees enter citations, judgments, receipt payments, post payments to the case management system, and adjust the amount due, and these duties can not be separated between employees then . . .

*Consider whether:*

Adjustments are monitored on an on-going basis, by an employee independent of cash receipting, to ensure they are authorized by judicial order or are a valid error correction.

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### **Conclusions/Actions Needed**

## Justice Court Evaluation Tool

### Points of Focus

### Description/Comments

#### **SECTION 6 – CREDIT/SUSPENSION OF FINES AND SURCHARGES**

If employees enter citations, judgments, receipt payments, post payments to the case management system, and credit/suspend the amount due, and these duties can not be separated between employees then . . .

*Consider whether:*

Credits are monitored on an on-going basis by an employee independent of cash receipting to ensure each credit/suspension is authorized by judicial order or the UFBS and supported properly with documentation in the daily accounting records, case file, or citation.

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#### **Conclusions/Actions Needed**

#### **SECTION 6A – DISMISSED CITATIONS**

If employees enter citations, judgments, receipt payments, post payments to the case management system, and dismiss citations/cases, and these duties can not be separated between employees then . . .

*Consider whether:*

Dismissed citations/cases are monitored on an on-going basis by an employee independent of cash receipting to ensure each dismissal is valid, authorized, and supported properly with documentation in the daily accounting records, case file, or citation.

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#### **Conclusions/Actions Needed**

#### **SECTION 7 – PAYMENT PROCESS**

The initial receipt of money in a court is a vulnerable point because it is here that control is established and personal responsibility is fixed.

## Justice Court Evaluation Tool

### Points of Focus

### Description/Comments

#### **A. In-person and Mail Payment Procedures**

*Consider whether:*

- An automated or manual sequentially pre-numbered receipt is issued for all in-person payments received and accounted for on a regular basis.
- The receipt contains the following data:
  - Date of receipt;
  - Court;
  - Receipt number;
  - Case number;
  - Name of payer;
  - Name of party;
  - Amount paid;
  - Payment type;
  - Identification of person receiving the payment.
- The payment is connected to a court case number when the payment is case-related.
- The payment receipt record is recorded in the court docket and on a transaction log.
- Cashiers are required to provide the payer the original receipt if over-the-counter.
- The payment receipt record is recorded on a transaction accounting log and totaled daily if practical but not less than once every three working days.
- Someone, other than the employee(s) who receipt payments, reviews the accounting records to verify that receipts are issued in sequence, recorded on the cash receipts journal, and monies deposited within 3 working days per UCA § 51-4-2 and 78-5-135.

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#### **Conclusions/Actions Needed**

#### **B. Mail Payments**

The highest risk transactions are payments sent through the mail because the payer is not present to receive a receipt. When mail payments are not processed under dual control a separation of duties weakness exists because the clerk has custody of payments and also reconciles the daily receipts to court records and records transactions in the case docket. If these duties are not separated, there is a potential for errors or irregularities to occur and remain undetected.

## Justice Court Evaluation Tool

### Points of Focus

### Description/Comments

DEFINITION: "Mail payments" are payments delivered to the court by the U.S. Postal Service and all other payments delivered to the court other than payments receipted at the payment window with the payer present.

*Consider whether:*

- Two employees are required to open mail together and prepare a control listing of amounts received.
  - All mail payments are recorded on a mail log and/or hand receipt book according to generally accepted accounting procedures.
  - The original mail payment listing is reconciled to the applicable receipt and deposit records by an employee who does not log and/or receipt mail payments.
- 

### **Conclusions/Actions Needed**

#### **C. Payments Received Before Citation is Filed**

If court management allows clerks to accept payments "over-the-counter" before the citation/case is filed, holding the payment pending entry on the system, then . . .

*Consider whether:*

- An initial record of the payments received before a citation is filed is created on a mail log and/or receipt book while the payer is "over-the-counter"; or the payer's citation copy is used to file the case on the case management accounting system and receipt the payment.
  - Procedures are in place to ensure that payments are receipted on the case management system and deposited within three working days per UCA § 51-4-2 and UCA § 78-5-135(2)(a).
  - Payments are properly secured if not receipted and deposited daily.
- 

### **Conclusions/Actions Needed**

## Justice Court Evaluation Tool

### Points of Focus

### Description/Comments

#### **D. Payments Made at the Port-of-Entry (if applicable)**

*Consider whether:*

- An initial record of the payments received from the Port-of-Entry is created on a mail log and/or receipt book, or case management accounting system by two clerks.
- Procedures are in place to ensure that payments made at the Port-of-Entry are properly accounted for and controls are adequate to safeguard the monies.

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#### **Conclusions/Actions Needed**

#### **SECTION 8 – VOID RECEIPTS & RETURNED CHECKS (NSF)**

If employees enter citations, judgments, receipt payments, post payments to the case management system, and have the ability to void receipts previously issued, and these duties can not be separated between employees then . . .

*Consider whether:*

- Procedures require the cashier to request review and approval from a supervisor or second employee before voiding the receipt to ensure voided receipts are valid.
- The employee approving the void receipt signs the receipt indicating the void is valid, and documents the reason for the void.
- Void receipt documentation should be maintained with the daily accounting records.
- All Non-Sufficient Fund void receipts are supported by documentation including a copy of the check retained in a separate file or with the daily accounting records.

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#### **Conclusions/Actions Needed**

## Justice Court Evaluation Tool

### Points of Focus

### Description/Comments

#### **SECTION 9 - OVERAGES AND SHORTAGES**

The court's policy is that all overages or shortages are recorded and reported to management.

A *cash overage* occurs when a cashier clerk submits more cash for deposit than was receipted on a particular day.

A *cash shortage* occurs when a cashier clerk submits less cash for deposit than was receipted on a particular day.

*Consider whether:*

- The court's policy prohibits cashiers from removing cash from the daily receipts to avoid recording cash overages, or adding personal funds to the daily receipts to make up cash shortages.
- The court researches the cause for cash overages and/or shortages to determine if it is a result of improper accounting practices or other causes:
  - The overage could indicate that a receipt was not generated, the receipt was issued for less than the amount received, or incorrect change was made when the payment was processed. There is a possibility that a court client did not receive credit for their payment.
  - The shortage could indicate that a receipt has been issued for more than the amount paid. A receipt was issued for the correct amount but the payer received more cash when change was made by the cashier. A receipt was issued and the cash was misappropriated by the cashier or someone with access to the cashier's storage device.
- Each cashier's over/short history is tracked, so management can determine if additional training or corrective action is necessary.

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#### **Conclusions/Actions Needed**

#### **SECTION 10 - PETTY CASH/CHANGE FUND**

Local government may provide a court custodian or each cashier a "Cash Change Fund" which is a fixed amount necessary for making change in the course of receiving a court payment.

## Justice Court Evaluation Tool

### Points of Focus

### Description/Comments

*Consider whether:*

- Management requires each fund custodian to sign for the fund amount assigned.
- Each employee with a change fund understands that the fund is for work use only (no personal loans) and must remain intact at all times.
- Each custodian restricts access to their assigned portion of the change fund in a locked device restricting access by others.
- There is clear direction on how a custodian can get large currency in the change fund converted into coins and smaller currency, e.g., from local government treasurer.
- The change fund is reconciled each time the cashier completes a Cash Count form and receipts are turned in for deposit.

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### **Conclusions/Actions Needed**

<b>SECTION 11 – CONTROL OVER HAND RECEIPTS</b>
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The court has procedures in place to account for all manual receipts.

*Consider whether:*

- Someone, other than the employee(s) who are assigned a hand receipt book, issues hand receipt books and accounts for the numerical sequence of used and unused hand receipts periodically.
- The hand receipt book custodian reviews the hand receipt books periodically to ensure hand receipts have actually been issued, voided, or are unused.
- Manual (hand) receipts are preprinted, prenumbered and numerically controlled. Numerical control is achieved by maintaining the numerical sequence for all manual receipts.
- Receipts have the court name and unique sequential number preprinted on them.

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### **Conclusions/Actions Needed**

## Justice Court Evaluation Tool

### Points of Focus

### Description/Comments

#### **SECTION 12 - HAND RECEIPTS ISSUED**

The court has procedures in place to account for all manual receipts.

*Consider whether:*

- Someone, other than the employee(s) who issue the hand receipts, reviews the accounting records to verify that receipts are issued in sequence, recorded on the cash receipts journal, and monies deposited within 3 working days per UCA § 51-4-2; UCA § 78-5-135.
- Void receipts are marked as such on all copies of the receipt and maintained in numerical sequence. (See Section 8 for procedures)

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#### **Conclusions/Actions Needed**

#### **SECTION 13 - DEPOSIT COMPOSITION**

Deposit all monies in the same form as received to the city/county treasurer or bank.

*Consider whether:*

- The employee responsible for preparing the deposit lists all monies received in detail on the deposit slip(s) in the same form as receipted, e.g., coin, currency, checks, and credit cards.
- The money turned in for deposit is stored in a secure device, accessible only by the deposit preparer, until the deposit can be made.
- An employee, independent of cash receipting and deposit preparation, reconciles the coin, currency, checks, and credit card payments listed on the daily Cash Count forms, to the Payment Register/Cashier Totals Report, and the validated remittance/deposit slip records.
- The court's policies prohibit using monies received for court payments to cash personal checks, or pay for expenses and supplies.

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#### **Conclusions/Actions Needed**



## Justice Court Evaluation Tool

### Points of Focus

### Description/Comments

#### **SECTION 14 - TIMELY DEPOSITS**

Depositing daily protects against loss or theft and increases any interest earned.

*Consider whether:*

The court makes deposits in accordance with UCA § 51-4-2 Deposits by political subdivisions (2)(a) which states, "Each officer shall deposit all public funds daily whenever practicable but not later than three days after receipt," by reviewing validated deposit slips. (UCA § 78-5-135)

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#### **Conclusions/Actions Needed**

#### **SECTION 15 - TRUST ACCOUNT DISBURSEMENTS**

Management should ensure that adequate controls exist over the disbursement cycle, e.g., (refunding cash bail, paying restitution to victims, refunding overpayments, and paying revenue to the state treasurer), so disbursements are made within a prescribed period of time by the city/county treasurer and state statutes UCA § 78-5-116 and UCA § 78-5-135.

CJA 3-407 Accounting (E) Bail forfeitures; other withdrawals states, "Transfers from trust accounts to a revenue account may be made upon an order of forfeiture of bail or other order of the court. Other withdrawals from trust accounts shall be made upon the order of the court after a finding of entitlement."

*Consider whether:*

- Pre-numbered checks and check requisition forms are used, secured, and accounted for by an employee independent of check writing and signing responsibilities.
- All refunds are made by check.
- Checks are signed only after the payee's name, amount, and date have been entered.
- Responsibility for issuing checks is limited to one or two employees, and trust account checks are signed only by authorized persons (require two signatures).
- The authorized check signers review supporting documentation to ensure the disbursement is valid, before signing.
- Checks are distributed (mailed) immediately by the second signer upon completion.
- All disbursements are posted immediately on the case financial record.

## Justice Court Evaluation Tool

### Points of Focus

### Description/Comments

- Undeliverable checks are returned to the trust fund custodian and remitted pursuant to the Unclaimed Property law (UCA § 67-4A-101, 201, and 301), as appropriate.
- Void checks are accounted for (retained on file or adequate documentation exists where a voided check is not returned), and “void” and the current date is written across the face of the check.
- A method to stop payment and account for checks reported as lost is established (See Suggested Accounting Procedures for Utah Justice Courts).
- Someone, other than the person issuing checks, reviews the accounting records to verify the checks were issued in sequence and recorded on the cash disbursements record. If check requisition forms are used, the check requisition forms should be reconciled to the checks issued.

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### **Conclusions/Actions Needed**

#### **SECTION 16 - TRUST ACCOUNT RECONCILIATION**

Timely bank reconciliations ensure that deposits (receipts) and disbursements are accurately reflected in the courts', city/county treasurers' accounting records, and in the banks' records.

*Consider whether:*

The court has established a trust account per UCA § 78-5-135(4) or trust monies are deposited with the local government treasurer. In either situation, the auditor of the governing body needs to reconcile the court trust account at least quarterly per UCA § 78-5-135(4). The standard is to perform a monthly reconciliation after the monthly bank statement is mailed to the court/local government.

#### **A. Trust Funds Deposited/Disbursed by Local Government:**

*Consider whether:*

- The reconciliation includes an agreement of the transactions and ending balances of the General Ledger Detail Report, Bank Statement, and the court's Trust Activity report/Trust Account Summary report on a monthly basis.
- Documentation of the Trust Account Reconciliation should

## Justice Court Evaluation Tool

### Points of Focus

### Description/Comments

be reviewed and approved by someone other than the person performing the reconciliation.

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#### **Conclusions/Actions Needed**

#### **B. Trust Funds Deposited/Disbursed From Court Trust Account:**

*Consider whether:*

- The reconciliation includes the agreement of the transactions and ending balances of the Check Register transactions, Bank Statement, and court's Trust Activity report/Trust Account Summary report on a monthly basis.
  - Documentation of the Trust Account Reconciliation should be reviewed and approved by someone other than the person performing the reconciliation.
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#### **Conclusions/Actions Needed**

### **SECTION 16A –TRUST ACCOUNT PROCEDURES**

#### **Trust Account Deposits:**

Where money is deposited to be kept intact and not commingled with other funds and is to be returned to the depositor or devoted to a particular debt of the depositor.

*Black's Law Dictionary*

Courts have the responsibility for administering trust monies including but not limited to:

- 1) Cash bail posted to secure a defendant's appearance in court;
- 2) Tax return checks forwarded to the court where the defendant has a warrant outstanding (currently known as the Finders Program, previously referred to as Gotcha); and
- 3) Restitution.

CJA Rule 3-407 Accounting (3) (D).

## Justice Court Evaluation Tool

### Points of Focus

### Description/Comments

#### **A. Trust Account Records**

*Consider whether:*

- The local government maintains in a General Ledger Detail Account record of trust funds receipted and disbursed monthly. The General Ledger Detail Account should include the:
  - Beginning balance;
  - Receipt detail for each trust receipt deposited including the date, receipt number, payer, case number, type of trust payment (cash bail, restitution, etc.) and amount;
  - Disbursement detail for each trust check issued including the date, disbursement request number (invoice), check number, payee, case number, payment type (cash bail forfeited, restitution, etc.), and amount; and
  - Ending balance.

**Note:** It is recommended that court management request that their local government details the receipt and disbursement detail above for court trust funds posted to the general ledger account and deposited with the city/county. This accounting information will facilitate the reconciliation of the general ledger to the court's trust summary records. Local government needs to provide disbursement details to the court so the Trust Activity report/Trust Summary report can be updated regularly.

*Consider whether:*

- The court maintains a current Trust Activity report/Trust Account Summary report listing each balance the court is holding for a defendant/party to a court proceeding. The automated or manual report should include the following:
  - Case number;
  - Defendant/Party name;
  - Payee's name (if applicable);
  - Date posted;
  - Date of last amount paid out (if balance is greater than zero);
  - Total amount received;
  - Total amount paid out/forfeited;
  - Balance held in trust.

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#### **Conclusions/Actions Needed**

## Justice Court Evaluation Tool

### Points of Focus

### Description/Comments

#### **B. Cash Bail Procedures**

*Consider whether:*

- All money or bonds collected by a jail/bail commissioner is delivered to the appropriate court or local government treasurer within three days of receipt per UCA § 10-3-920(4) and 10-3-921(2); UCA § 7-32-1(4) and 17-32-2(2).
- If cash bail is delivered directly to the court, an individual receipt should be issued for each defendant immediately and a copy provided to the jail/bail commissioner.
- Cash bail remitted to the court is adequately safeguarded and deposited within 3 working days pursuant to UCA 51-4-2.
- Cash bail is receipted on the correct case.
- Duties for processing cash bail monies are adequately separated.
- Cash bail accounting records are accurate, complete, and proper.
- Cash bail receipted on mandatory appearance cases should be held pending a court order.
- Cash bail is forfeited on voluntary bail forfeitable cases in accordance with state law.

#### **C. Finders Checks Procedures**

*Consider whether:*

Finders checks are deposited as cash bail in the trust account upon receipt, held for 40 days per UCA § 59-10-529, and forfeited as cash bail on voluntary bail forfeiture cases. For mandatory appearance cases, the court can apply the cash bail as forfeiture and continue the warrant of arrest. The judge needs to make this determination.

#### **D. Restitution Procedures**

*Consider whether:*

- Court-ordered restitution means the restitution the court orders the defendant to pay as a part of the criminal sentence at the time of sentencing per UCA § 76-3-201(4)(b)(ii). In addition to any other sentence the court may impose, the court shall order the defendant to pay restitution of governmental transportation expenses UCA § 76-3-201(5).
- Once restitution is paid to the court, it can and should be paid immediately to the victim per UCA § 76-3-201.

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#### **Conclusions/Actions Needed**

## Justice Court Evaluation Tool

### Points of Focus

### Description/Comments

#### **SECTION 17 – TRUST ACCOUNT: MANAGEMENT OF TRUST ACCOUNT FUNDS**

The Trust Account should be monitored at least quarterly, to ensure the case is still open and the money should be held in trust.

##### **Monitoring**

*Consider whether:*

The court has established procedures for an employee, independent of receipting and disbursing trust funds, to:

- Compare the trust account balances held per court trust records to trust funds held per local government's records on a monthly basis;
- Monitor the funds held in trust to ensure the monies are forfeited, refunded, or paid to the recipient in a timely manner, as appropriate;
- Document the review of each court case in which trust money is being held to determine that the:
  - Case is active and the purpose for which the money was posted remains, requiring that the money continue to be held or;
  - A requirement to hold the trust no longer exists and reasonable efforts should be made to return the money to the party which posted it;
  - Party posting the trust money could not be located and the money has been unclaimed for one full year. The money needs to be sent to the Utah State Division of Unclaimed Property (See UCA § 67-4a-201, 207(1), 210);
  - Questions regarding the release of trust money being held should be referred to the assigned judge.

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##### **Conclusions/Actions Needed**

#### **SECTION 18 – JUROR/WITNESS/INTERPRETER PAYMENTS**

**UCA § 78-46-25.** Expenses in justice court.

**UCA § 78-46-28.** Fees and mileage.

**UCA § 78-46-31.** Justice court judge - Certificate of attendance - Records and Reporting.

**UCA § 78-46-35.** Only one fee per day allowed.

**Suggested Accounting Procedures Manual for Utah Justice Courts,** Payments Disbursed, Section 7.00.

## Justice Court Evaluation Tool

### Points of Focus

### Description/Comments

*Consider whether:*

- Controls over the Juror/Witness Payment process and accounting procedures are adequate and in compliance with state law.
- Payments are valid, properly documented, and disbursed by the proper governmental entity.

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### **Conclusions/Actions Needed**

#### **SECTION 19 - REVENUE DISTRIBUTION AND REPORTING**

**UCA § 51-4-2.** Deposits by Political Subdivisions.

**UCA § 63-63a-2.** Surcharge – Application and Exemptions.

**UCA § 78-5-116.** Disposition of Fines.

*Consider whether:*

- Revenue funds collected are distributed according to state law and the Uniform Fine & Bail Schedule.
- Monitoring procedures are in place whereby a clerk contacts the local government auditor if a copy of the State Treasurer's Validated Deposit report is not received by the 25<sup>th</sup> of the following month. This process will help to ensure that state collections are forwarded to the State Treasurer each month on a timely basis and that the correct amount was forwarded.

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### **Conclusions/Actions Needed**

#### **SECTION 20 – ACCOUNTS RECEIVABLE: ACCURATE ACCOUNTS RECEIVABLE BALANCES AND MONITORING/COLLECTION EFFORTS**

**UCA § 76-1-302.** Time limitations for prosecution of offenses – Commencement of prosecution.

**Code of Judicial Administration (CJA) Rule 4-701.** Failure to appear.

**Code of Judicial Administration (CJA) Rule 4-703.**

## Justice Court Evaluation Tool

<u>Points of Focus</u>	<u>Description/Comments</u>
<hr/> <p>Outstanding citations and warrants.</p> <p><b><u>Internal Control of Court-Collected Funds</u></b>, by Robert W. Tobin, National Center for State Courts.</p> <p><i>Consider whether:</i></p> <ul style="list-style-type: none"><li>• The Court maintains an accurate accounts receivable balance for both non-adjudicated and adjudicated cases.</li><li>• Duties associated with accounts receivable monitoring are adequately separated from the cash receipting and recordkeeping duties, or compensating controls exist.</li></ul> <p><b>A. Monitoring Non-adjudicated Cases</b></p> <p><i>Consider whether:</i></p> <ul style="list-style-type: none"><li>• Clerks monitor outstanding citations and warrant as required by Rule 4-703. Are there procedures in place to ensure that prosecution is commenced within the statute of limitations prescribed by UCA § 76-1-302, or the citation is dismissed?</li><li>• Clerks monitor outstanding small claims affidavits that could not be served within 120 days per URCP 4(b). Are there procedures in place to bring the matter before the court for appropriate action?</li></ul> <hr/> <p><b>Conclusions/Actions Needed</b></p>	
<p><b>B. Adjudicated Cases</b></p> <p><i>Consider whether:</i></p> <p>The Court follows generally accepted accounting procedures for review of accounts receivable on a regular basis to eliminate invalid accounts and make adequate collection efforts.</p> <hr/> <p><b>Conclusions/Actions Needed</b></p>	



## Justice Court Evaluation Tool

### Points of Focus

### Description/Comments

#### **SECTION 21 – CASE MANAGEMENT/ACCOUNTING SYSTEM REVIEW**

A management objective is to ensure that court records are reliable and accurate, and that the audit trail<sup>1</sup> is preserved.

##### **A. Review of the Court's Accounting System Process**

*Consider whether:*

- Accounting procedures in place provide an adequate audit trail to all individual cash receipt and cash disbursement transactions.
- Adequate system controls exist for court sites with an automated system.

##### **B. Evaluation of the Court's Practice of Purging Case Dockets**

*Consider whether:*

The procedures for retaining court records comply with the CJA App. F Utah State Courts Records Retention Schedule.

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### **Conclusions/Actions Needed**

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<sup>1</sup> The audit trail is defined as the ability to trace transactions from their initiation through all intermediate steps to final reporting and archival. This ability permits verification of transactions and correction of errors. (Lawrence B. Sawyer and Mortimer A. Dittenhofer, *Sawyer's Internal Auditing*, 4<sup>th</sup> ed., The Institute for Internal Auditors, Altamonte Springs, 1996, p. 629.)